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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/864,691	05/23/2001	Hsin-Wang Wayne Chang	2537-06	2086
7590	08/24/2004		EXAMINER	
Mr. C. P. Chang Pacific Law Group LLP Two North Second Street , Suite 290 San Jose, CA 95113			COFFY, EMMANUEL	
			ART UNIT	PAPER NUMBER
			2157	

DATE MAILED: 08/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/864,691	CHANG, HSIN-WANG WAYNE	
	<b>Examiner</b>	<b>Art Unit</b>	
	Emmanuel Coffy	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 23 May 2001.
- 2a) This action is **FINAL**.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-27 is/are rejected.
- 7) Claim(s) 12, 13, 18, 26 and 27 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 23 May 2001 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

1. This action is responsive to the application filed on 23 May, 2001. Claims 1-27 are pending. Claims 1-27 are directed to a system for a "Distributed Computer Resource bartering System."

### **Claim Objections**

2. Claims 12, 13, 18, 26 and 27 are objected to because of the following minor informalities. Appropriate correction is required.

Above claims are dependent claims, which depend on 1 and 15 respectively. A claim that depends from a dependent claim should not be separated by any claim that does not also depend from said dependent claim. It should be kept in mind that a dependent claim may refer to any preceding independent claim. In general applicant's sequence will not be changed. See MPEP §608.01(n).

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000.

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Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-4, 6-7, 9-12 directed to a system are rejected under 35 USC 102(e) as being clearly anticipated by Robertazzi et al. (US 6,370,560).

Robertazzi teaches a load sharing system wherein a controller divides a divisible load or task and assigns each segment of the load or task to a processor platform based on the processor platform's resource utilization cost and data link. (See abstract).

Claim 1:

Referring to claim 1, Robertazzi teaches a Distributed Computer Resource Bartering System, or DCRBS, comprising:

a plurality of independent computing devices connected to one another through a network wherein each of the computing devices is provided with a variety of computing resources; (See col. 2, lines 55-60).

a coordination means installed on one of the computing devices to designate functionally a coordination computing device to coordinate the bartering of the variety of computing resources amongst all the computing devices; (See col. 2, lines 9-12, 52-54).

a bartering means installed on each of all the computing devices to designate functionally a plurality of computing devices to barter the variety of computing resources amongst all the computing devices; and (See col. 4, lines 14-18).

whereby a fraction of the computing resources of the individual computing device is bartered amongst them by the bartering means through the coordination of the coordination means such that the coordination computing device and the plurality of

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individual peer computing devices simultaneously communicate and functionally operate with one another through the network to perform an application. (See col. 8, lines 5-11; col. 5, lines 26-28).

Claim 2:

Referring to claim 2, Robertazzi teaches the Distributed Computer Resource Bartering System according to claim 1 wherein the network is a Local Area Network, a Wide Area Network or the Internet. (See col. 5, lines 13-15; 58-61).

Claim 3:

Referring to claim 3, Robertazzi teaches the Distributed Computer Resource Bartering System according to claim 1 wherein said variety of computing resources are individually valued and systematically classified into a number of major bartering categories to effect a commerce driven bartering mechanism. (See col. 4, lines 18-28).

Claim 4:

Referring to claim 4, Robertazzi teaches the Distributed Computer Resource Bartering System according to claim 3 wherein the major bartering categories are selected from the group consisting of computing power, computing memory, computing storage, computer peripherals, computer files, network access, and money. (See col. 5, lines 28-40).

Claim 6:

Referring to claim 6, Robertazzi teaches the Distributed Computer Resource Bartering System according to claim 4 wherein the computing memory is valued using parameters from the group comprising MB, ns of Read time, ns of Write time and usage

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time. (See col. 6, lines 63-65; col. 10, lines 40-45; col 12, lines 33-36 and Fig.5, col. 14, line 20). (It is inherent that read time (ns), write time (ns) and capacity (MB) are parameters associated with memory).

Claim 7:

Referring to claim 6, Robertazzi teaches the Distributed Computer Resource Bartering System according to claim 4 wherein the computing storage is valued using parameters from the group comprising MB, ms of Read time, ms of Write time and usage time.

This claim is rejected for the same reason articulated in claim 6 above.

Claim 9:

Referring to claim 9, Robertazzi teaches the Distributed Computer Resource Bartering System according to claim 4 wherein the computer files is valued using parameters from the group comprising a series of respectively associated descriptive header files. (See col. 6, lines 15-35) (Interprocessors communication inherently involve header files).

Claim 10:

Referring to claim 10, Robertazzi teaches the Distributed Computer Resource Bartering System according to claim 4 wherein the network access is valued using parameters from the group comprising speed, QOS and usage time. (See col. 9, lines 11-50 and col. 5, lines 36-40) (a supercomputer is inherently faster than a 486 PC).

Claim 11:

Referring to claim 10, Robertazzi teaches the Distributed Computer Resource Bartering System according to claim 4 wherein the money further comprises a subset of bartering items selected from the group consisting of cash, credit, sweepstakes and commissions. (See col. 4, lines 39-59, 65-66 and col. 6, lines 54-55).

Claim 12:

Referring to claim 12, Robertazzi teaches the Distributed Computer Resource Bartering System according to claim 1 wherein the coordination computing device and one or more of the individual peer computing devices form one or more DCRBS communities that may either independently function or communicate and coordinate with one another simultaneously through the network for bartering activity. (See col. 7, lines 45-48).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5, 8 and 13 are rejected under 35 U.S.C. §103(a) as being unpatentable over Robertazzi et al. (US '560) in view of Ellis, III (US 6,725,250.)

Robertazzi teaches the invention substantially as claimed including a load sharing system wherein a controller divides a divisible load or task and assigns each

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segment of the load or task to a processor platform based on the processor platform's resource utilization cost and data link. (See abstract).

Claim 5:

Referring to claim 5, it recites the Distributed Computer Resource Bartering System according to claim 4 wherein the computing power is valuated using parameters from the group comprising MIPS, MFLOPS and usage time.

Robertazzi extensively teaches usage time throughout specifically at col. 8, lines 21-26 and Fig. 6. Robertazzi makes reference to supercomputer and minicomputer (See col. 5, 31-40). Although Robertazzi fails to explicitly disclose MIPS, MFLOPS; it is implicit that MIPS and MFLOPS are common measure of processor speed. (See µSoft Computer Dictionary). However, Ellis explicitly teaches this form of computer measure. (See col. 2, lines 38-41 and col. 3, lines 36-40). Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the teachings of Robertazzi with the computer measure taught by Ellis. It is important to know the speed of the processor because it contributes to the calculation of the monetary cost. Therefore, claim 5 is rejected.

Claim 8:

Referring to claim 8, it recites the Distributed Computer Resource Bartering System according to claim 4 wherein the computer peripherals is valuated using parameters from the group comprising resolution, color depth, speed and usage time.

Robertazzi extensively teaches usage time throughout specifically at col 12, lines 33-36 and Fig.5, col. 14, line 20). Furthermore, Robertazzi discloses speed at col.

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5, lines 40-43. Robertazzi fails to explicitly teach image scanners, digital cameras and printers which usually rate their resolution and color of depth as disclosed by applicant. However, Ellis discloses specifically discloses these items at col. 9, lines 18-30. Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the teachings of Robertazzi with peripheral equipment measure taught by Ellis. As resource that can be shared, it is important to know the performance measure of such equipment because it contributes to the calculation of the monetary cost. Therefore, claim 8 is rejected.

Claim 13:

Referring to claim 13, it recites the Distributed Computer Resource Bartering System according to claim 1 wherein the application includes, but not limited to, massively distributed computing, Peer-to-Peer Electronic Commerce, Peer-to-Peer file swapping, Web site security testing, Web performance testing, PEER-TO-PEER Streamline Media Broadcasting, Web Indexing Spider, Peer Software Router, PEER-TO-PEER Game Coordinator, Wireless PEER-TO-PEER Digital Content Swapping Platform, advanced information search engines and self-balanced data routing networks.

Robertazzi extensively teaches peer-to-peer electronic commerce (see col. 5, lines 33-51), peer-to-peer file swapping (see col. 1, lines 35-40), self-balanced data routing (see col. 2, lines 52-55.) Robertazzi does not specifically suggest the remainder of the enumerated applications of claim 13. However, Ellis discloses the balance of the

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applications enumerated in claim including massive parallel processing (col. 10, line 2), searching the World Wide Web or Internet sites (col. 16, lines 44-55).

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the teachings of Robertazzi with the tasks taught by Ellis. It is important to know the tasks that are suitable for multi-tasking because not every task (load) is divisible. Therefore, claim 13 is rejected.

#### Claims 14-27

These claims do not teach or define any significantly new limitations above and beyond claims 1-13 to warrant particular treatment, and therefore, are rejected for similar reasons.

#### **Conclusion**

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Ellis (U.S. 6,732,141) teaches "Commercial Distributed Processing By Personal Computers Over The Internet."

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emmanuel Coffy whose telephone number is (703) 305-0325. The examiner can normally be reached on 8:30 - 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703) 308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Emmanuel Coffy  
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EC  
Aug 18, 2004



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